THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.16570 OF 2007

Between:

Bobba Ssridhar Reddy

.....Petitioner

&

1) The District Collector, Nellore District, Nellore and another

.....Respondents.

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.16570 OF 2007

O R D E R:

This Writ Petition is filed to declare the notification issued, under Section 4(1) of the Land Acquisition Act, 1894 in proceedings Rc.No.G(5)/3683/2007, published on 21.07.2007, and, the declaration under Section 6 of the Land Acquisition Act, 1894 in proceedings Rc.No.G(5)/3683/2007, dated 24.07.2007, with regard to acquisition of the land of the petitioner admeasuring Ac 3.54 cents covered by Sy.Nos.661/1 to 661/8 of Krishnapatnam Village, Muthukur Mandal in Nellore District, as illegal and arbitrary.

The above said piece of land of the petitioner, along with lands of some others, is notified, for acquisition, for the public purpose of development of

Krishnapatnam Port.

It is the grievance of the petitioner that though notification is issued under Section 4(1) of the Land Acquisition Act, 1894, but however, there is no correct description of the survey numbers of his land. It is pleaded that the above said land of the petitioner was developed for residential purpose, and, lay out was also approved by the competent authority to utilize the said land for residential purpose. It is further pleaded that though there are valid and tenable objections for acquisition of the said land, but, without any regency, enquiry as contemplated under Section 5-A of the Land Acquisition Act, 1894 is dispensed with by invoking urgency clause.

At the stage of admission, the learned Government Pleader appearing for the respondents, on instructions, submits that the respondents are prepared to conduct enquiry as contemplated under Section 5-A of the LA Act.

Though it is pleaded that description of the survey numbers is not correctly notified in the notification under Section 4(1) of the LA Act, but however, the same is a preliminary notification, which entitles the authorities to quash the notification under Section 4(1) of the Act. With regard to other objection, in view of the statement of the learned Government Pleader that the respondents are prepared to conduct enquiry as contemplated under Section 5-A of the LA Act, the petitioner can raise his objections, if any, in the

enquiry to be conducted.

In view of the statement of the learned Government Pleader, that the respondents are prepared to conduct enquiry under Section 5-A of the LA Act, I allow the Writ Petition in part, by setting aside the declaration under Section 6 of the Land Acquisition Act, 1894 in proceedings Rc.No.G(5)/3683/2007, dated 24.07.2007 in so far as the land of the petitioner is concerned, and direct the respondents to conduct enquiry as contemplated under Section 5-A of the Land Acquisition Act and consider the objections of the petitioner. It is made clear that further steps in acquisition proceedings shall be taken subject to out come of the enquiry under Section 5-A of the LA Act.

The Writ Petition is allowed in part to the extent indicated above. No order as to costs.

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JUSTICE R.SUBHASH REDDY

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R.SUBHASH REDDY J.,

Dt.03.08.2007
c.c.in three days
B/o
Tjs/Msnr